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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,134	05/24/2001	Joachim Opitz	PHDE 000085	1105

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EXAMINER

HARPER, HOLLY R

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 03/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/864,134

Applicant(s)

OPITZ ET AL.

Examiner

Holly R. Harper

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☒ Claim(s) 8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Czeiler et al. (USPN 4,421,803) hereinafter "Czeiler" in view of Jansen et al. (USPN 5,766,336) hereinafter "Jansen".

In regard to claim 8, the Czeiler reference discloses an incandescent lamp with a coating on the inner walls of the bulbs (Column 5, Lines 45-46). The pigment contains titanium dioxide, a white pigment, (Column 5, Lines 29-30) and cadmium yellow (Column 5, Line 59). The Czeiler reference discloses a pigment containing cadmium, but does not disclose an oxide-nitride pigment. The Jansen reference teaches that cadmium based pigments used to color various articles can be replaced with an oxide-nitride pigment. The cadmium-based pigments are known to release toxic constituents (Column 1, Lines 15-30). Jansen discloses general formulas for several oxide nitride pigments. The following constants are used for the formulas (Column 12, Lines 9-13 and Lines 27-30):

A = Mg, Ca, Sr, Ba

C = Mg, Ca, Mn, Fe, Co, Ni, Zn

A' = Ln, Bi, Al, Fe

C' = Al, Ga, In, Ti, V, Cr, Fe, Co, Ni

A'' = Ln, Bi

D = Al, Ga, In, Ti, V, Cr, Fe, Co, Ni

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B = V, Nb, Ta

D' = Ti, Zr, Hf, Sn, Ge, Si, Nb, Ta

B' = Ti, Zr, Hf, Sn, Ge

The following general equations were disclosed:

 $A_{1-u}A'_uBO_{2-u}N_{1+u}$ where u is between 0 and 1 (Column 11, Lines 45, 57-58) $A_xA'_{2-x}B_2O_{5+x}N_{2-x}$ where x is between 0 and less than 2 (Column 12, Line 1, 13-15) $A'_2B_{2-y}B'_yO_{5+y}N_{2-y}$ where y is between 0 and less than 2 (Column 12, Line 5, 13-15) $CD_{2-m}D'_mO_{4-m}N_m$ where m is between 0 and 2 (Column 11, Line 9, 21-22) $C_{1-n}C'_nD_2O_{4-n}N_n$ where n between 0 and 1 (Column 12, Line 24, 34-35) A'_2CBO_5N (Column 11, Line 34) $A'_2A'BO_4N_2$ (Column 11, Line 36) $A'_2DBO_3N_3$ (Column 11, Line 38)

Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to use a non-cadmium based pigment based on the general formulas, as taught by Jansen, to coat the inside of incandescent lamps.

Allowable Subject Matter

1. Claims 1-7 are allowed.

Regarding claim 1, the references of the Prior Art of record fails to teach or suggest the combination of the limitations as set forth in claim 1, and specifically comprising the limitation that the electric lamp has a coating consisting of the inorganic colored pigments described by the formulas in the claims.

Regarding claims 2-7, claims 2-7 are allowable for the reasons given in claim 1 because of their dependency status from claim 1.

Response to Arguments

Arguments are not found persuasive.

Regarding applicants claim that Czeiler in view of Jansen does not disclose a white pigment in combination with a colored pigment, the Examiner respectfully disagrees. Czeiler discloses the use of titanium dioxide, a white pigment, in Column 5, Lines 29-30 mixed with a light yellow pigment, if looking at example 1, or with yellow and red lamps if looking at example 2 (Column 5, Lines 52-63).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Harper whose telephone number is (571) 272-2453. The examiner can normally be reached on Monday-Friday from 8:30 AM to 5:00 PM.

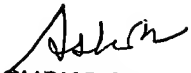
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-7382.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



Holly Harper
Patent Examiner
Art Unit 2879


ASHOK PATEL
PRIMARY EXAMINER